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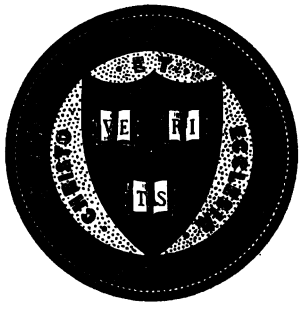

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OF THE

PROPOSED CONSTITUTION FOR CUBA, THE OFFICIAL ACCEPTANCE OF THE PLATT AMENDMENT, AND THE ELECTORAL LAW.

PUBLISHED BY THE DIVISION OF INSULAR AFFAIRS,
WAR DEPARTMENT.

NOVEMBER, 1901.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1901.

~~8395.77~~
SA 1514.4

U.S. War Dept.

PRESERVATION MASTER
AT HARVARD

Correct translation of the Proposed Cuban Constitution, compared with the official Spanish draft.

ALEX. GONZALES.

Havana, August 27, 1901.

CONSTITUTION OF THE REPUBLIC OF CUBA.

We, the delegates of the people of Cuba, having met in Constitutional Convention for the purpose of preparing and adopting the fundamental law of their organization as an independent and sovereign people, establishing a government capable of fulfilling its international obligations, maintaining public peace, insuring liberty, justice, and promoting the general welfare, do hereby agree upon and adopt the following Constitution, invoking the protection of the Almighty.

TITLE I.

THE NATION, ITS FORM OF GOVERNMENT, AND ITS TERRITORY.

ARTICLE 1. The people of Cuba are hereby constituted a sovereign and independent State and adopt a republican form of government.

ART. 2. The territory of the Republic is composed of the island of Cuba, as well as the adjacent islands and keys, which, together therewith, were under the sovereignty of Spain until the ratification of the treaty of Paris on December 10, 1898.

ART. 3. The territory of the Republic shall be divided into six provinces, as they exist at present and with the same boundaries, the provincial council of each to determine their respective names.

The provinces may be incorporated with each other or divided into new provinces through actions that may be agreed upon by the respective provincial councils and approved by Congress.

TITLE II.

THE CUBAN PEOPLE.

ART. 4. Cuban citizens are native born or naturalized.

ART. 5. Native-born Cubans are:

First. Those born of Cuban parents within or without the territory of the Republic.

Second. Those born within the territory of the Republic of foreign parents, provided that on becoming of age they claim the right of inscription as Cubans in the proper register.

Third. Those born in foreign countries of native-born parents, who have forfeited their Cuban nationality, provided that on becoming of age they claim their inscription as Cubans in the same register.

ART. 6. Naturalized Cubans are:

First. Foreigners who, having served in the Liberating Army, may claim Cuban nationality within six months following the promulgation of this Constitution.

Second. Foreigners established in Cuba prior to January 1st, 1899, who may have retained their residence after said date, provided they claim Cuban nationality within the six months next following the promulgation of this Constitution, or, if minors, within a like period after they shall have attained their majority.

Third. Foreigners who, after five years' residence in the territory of the Republic and not less than two years from the time that they declared their intention of acquiring Cuban citizenship, may obtain their letters of naturalization in conformity with the laws.

Fourth. Spaniards residing in the territory of Cuba on the 11th day of April, 1899, who may not have been registered as such in the proper registers prior to the same month and day of 1900.

Fifth. Africans who may have been slaves in Cuba, and those who were emancipated and comprised in article 13 of the treaty of June 28th, 1835, entered into by Spain and England.

ART. 7. Cuban citizenship is forfeited:

First. By acquiring foreign citizenship.

Second. By accepting employment or honors from another government without permission of the Senate.

Third. By entering the military service of a foreign nation without a like permission.

Fourth. By a naturalized Cuban residing five years continuously in his native country, except by reason of his being in the employ of or fulfilling a commission of the Government of the Republic.

ART. 8. Cuban citizenship may be reacquired as may be provided for by law.

ART. 9. Every Cuban shall—

First. Bear arms in defense of his country in such cases and in the manner determined by the laws.

Second. Contribute to the payment of public expenses in such manner and proportion as the laws may prescribe.

TITLE III.

FOREIGNERS.

ART. 10. Foreigners residing within the territory of the Republic shall have the same rights and obligations as Cubans—

First. As to protection of their persons and properties.

Second. As to the enjoyment of the rights guaranteed by Section I of the following title, excepting those exclusively reserved to citizens.

Third. As to the enjoyment of civil rights under the conditions and limitations prescribed in the law of aliens.

Fourth. As to the obligation of respecting and obeying the laws, decrees, regulations, and all other enactments that may be in force in the Republic.

Fifth. As to submission to the jurisdiction and decisions of the courts of justice and all other authorities of the Republic.

Sixth. As to the obligation of contributing to the public expenses of the State, province, and municipality.

TITLE IV.

RIGHTS GUARANTEED BY THIS CONSTITUTION.

SECTION FIRST.—*Individual rights.*

ART. 11. All Cubans have equal rights before the law. The Republic does not recognize any personal privileges or special rights.

ART. 12. No law shall have any retroactive effect, other than penal ones favorable to convicted or indicted persons.

ART. 13. Obligations of a civil nature arising from contracts or other acts or omissions, shall not be annulled or altered by either the legislature or Executive power.

ART. 14. The penalty of death shall in no case be imposed for crimes of a political nature, which shall be defined by law.

ART. 15. No person shall be arrested except in such cases and in the manner prescribed by law.

ART. 16. Every person arrested shall be set at liberty or placed at the disposal of a competent judge or court within twenty-four hours immediately following the arrest.

ART. 17. All persons arrested shall be set at liberty or their imprisonment ordered within seventy-two hours after having been placed at the disposal of the competent judge or court. Within the same time notice shall be served upon the party interested of any action which may have been taken in the matter.

ART. 18. No person shall be arrested except by warrant of a competent judge or court. The order directing the serving of the warrant of arrest shall be affirmed or reversed, after the accused shall have been heard in his defense, within seventy-two hours next following his imprisonment.

ART. 19. No person shall be indicted or sentenced except by competent judge or court, by virtue of laws in force prior to the commission of the crime, and in such manner as therein prescribed.

ART. 20. Any person arrested or imprisoned without legal formalities, or not in accordance with the provisions of this Constitution and the laws, shall be set at liberty at his own request or that of any citizen. The law will determine the prompt action which shall be taken in the case.

ART. 21. No person whatsoever is bound to give evidence against himself, nor husband or wife against each other, nor relatives within the fourth degree of consanguinity or second of affinity.

ART. 22. All correspondence and other private documents are inviolable, and neither shall be seized or examined except by order of a competent authority and with the formalities prescribed by the laws, and in all cases all points therein not relating to the matter under investigation shall be kept secret.

ART. 23. No person's domicile shall be violated; and therefore no one shall enter that of another at night, except by permission of its occupant, unless it be for the purpose of giving aid and assistance to victims of crime or accident; or in the daytime, except in such cases and manner as prescribed by law.

ART. 24. No person shall be compelled to change his domicile or residence except by virtue of an order issued by a competent authority and in the manner prescribed by law.

ART. 25. Every person may freely, without censorship, express his thoughts either by word of mouth or in writing, through the press, or in any other manner whatsoever, subject to the responsibilites specified by law, whenever thereby attacks are made upon the honor of individuals, upon social order, and upon public peace.

ART. 26. The profession of all religious beliefs, as well as the practice of all forms of worship, are free, without further restriction than that demanded by the respect for Christian morality and public order. The church shall be separated from the state, which shall in no case subsidize any religion.

ART. 27. All persons shall have the right to address petitions to the authorities, to have them duly acted upon, and to be informed of the action taken thereon.

ART. 28. All inhabitants of the Republic have the right to assemble peacefully unarmed, and to associate for all lawful pursuits of life.

ART. 29. All persons shall have the right to enter into and depart from the territory of the Republic, to travel within its boundaries, and to change their residence without requiring any safeguard, passport, or any other similar requisite, except as may be required by the laws governing immigration, and by the authorities, in cases of criminal responsibility, by virtue of the powers vested in them.

ART. 30. No Cuban shall be banished from the territory of the Republic or be prohibited from entering therein.

ART. 31. Primary education is compulsory and shall be gratuitous, as also that of arts and trades. The expenses thereof shall be defrayed by the State during such time as the municipalities and provinces, respectively, may lack sufficient means therefor. Secondary and advanced education will be controlled by the State. However, all persons may, without restriction, study or teach any science, art, or profession, and found and maintain establishments of education and instruction; but it pertains to the State to determine what professions shall require special titles, the conditions necessary for their practice, the necessary requirements to obtain the titles, and the issuing of the same as may be established by law.

ART. 32. No person shall be deprived of his property, except by competent authority for the justified reason of public benefit, and after being duly indemnified for the same. Should the latter requirement not have been complied with, the judges and courts shall give due protection; and in such case they shall restore possession of the property to the person who may have been deprived thereof.

ART. 33. In no case shall the penalty of confiscation of property be imposed.

ART. 34. No person is obliged to pay any tax or impost not legally established and the collection thereof is not carried out in the manner prescribed by the laws.

ART. 35. Every author or inventor shall enjoy the exclusive ownership of his work or invention for the time and in the manner determined by law.

ART. 36. The enumeration of the rights expressly guaranteed by this Constitution does not exclude others that may be based upon the principle of the sovereignty of the people and upon the republican form of Government.

ART. 37. The laws regulating the exercise of the rights which this Constitution guarantees shall become null and void if they diminish, restrict, or change the said rights.

SECTION SECOND.—*Right of suffrage.*

ART. 38. All male Cubans over twenty-one years of age have the right of suffrage, with the following exceptions:

First. Inmates of asylums.

Second. Persons mentally incapacitated after having been judicially so declared.

Third. Persons judicially deprived of civil rights on account of crime.

Fourth. Persons in active service belonging to the land or naval forces.

ART. 39. The laws shall establish rules and procedures to guarantee the intervention of the minority in the preparation of the Electoral Census, and in other electoral matters, and their representation in the House of Representatives and in provincial and municipal councils.

SECTION THIRD.—*Suspension of constitutional guarantees.*

ART. 40. The guarantees established in articles 15, 16, 17, 19, 22, 23, 24, and 27 of the first section of this title shall not be suspended throughout the entire Republic, or in any part thereof, except temporarily and when the safety of the state may require it, in cases of invasion of the territory or of serious disturbances that may threaten public peace.

ART. 41. The territory within which the guarantees determined in the preceding article may have been suspended shall be governed during the period of suspension by the Law of Public Order previously enacted, but neither in the said law, or in any other, shall the suspension be ordered of any other guarantees than those already mentioned. Nor shall there be made, during the period of suspension, any declaration of new crimes, nor shall there be imposed other penalties than those established by the law in force at the time the suspension was ordered.

The Executive power is prohibited from banishing or exiling citizens to a greater distance than one hundred and twenty kilometers from their domicile, and from holding them under arrest for more than ten days without turning them over to the judicial authorities, and from rearresting them during the period of the suspension of guarantees. Persons arrested shall not be detained except in special departments of public establishments used for the detention of persons indicted for ordinary offenses.

ART. 42. The suspension of the guarantees specified in article 40 shall only be ordered by means of a law, or, when Congress is not in session, by a decree of the President of the Republic; but the latter shall not order the suspension more than once during the period comprised between two legislatures, nor for an indefinite period of time, nor for more than thirty days, without convening Congress in the same order of suspension. In every case the President shall report to Congress for such action as Congress may deem proper.

TITLE V.

SOVEREIGNTY AND PUBLIC POWERS.

ART. 43. Sovereignty is vested in the people of Cuba and all public powers are derived therefrom.

TITLE VI.

LEGISLATIVE POWERS.

SECTION FIRST.—*The legislative bodies.*

ART. 44. The legislative power is exercised by two elective bodies, which shall be known as the House of Representatives and the Senate, and which conjointly will be called Congress.

SECTION SECOND.—*The Senate; its organization and attributes.*

ART. 45. The Senate shall be composed of four Senators from each Province, elected therefrom for a period of eight years by the provincial councilmen and by a double number of electors, who, together with the provincial councilmen, shall constitute an Electoral Board.

One-half of the electors must be persons who pay the highest amount of taxes and the remainder shall possess the qualifications that may be determined by law. All of the electors must also be of age and residents of municipal districts of the Province.

The electors shall be chosen by the voters of the Province one hundred days prior to the election of Senators.

One-half of the members of the Senate shall be elected every four years.

ART. 46. To become a Senator it is necessary—

First. To be a native-born Cuban.

Second. To have attained to the age of 35 years.

Third. To be in full possession of all civil and political rights.

ART. 47. The inherent attributes of the Senate are—

First. To try, sitting as a court of justice, the President of the Republic whenever he be accused by the House of Representatives of crimes against the external security of the State, against the free exercise of legislative or judicial powers, or of violation of the Constitution.

Second. To try, sitting as a court of justice, Cabinet ministers whenever they be accused by the House of Representatives of crimes against the external security of the State, against the free exercise of legislative or judicial powers, or of violation of the Constitution, or of any other offense of a political nature specified by law.

Third. To try, sitting as a court of justice, governors of Provinces, whenever they be accused by the provinciales councils or by the President of the Republic of any of the offenses specified in the preceding paragraph. Whenever the Senate sits as a court of justice it shall be presided over by the Chief Justice of the Supreme Court, and it shall not impose upon the accused any other penalty than that of removal from office, or removal from office and disqualification to hold any public office, without detriment to any other penalty which the accused may have incurred which may be imposed by the courts declared to be competent by law.

Fourth. To confirm the appointments made by the President of the Republic of Chief Justice and associate justices of the Supreme Court of Justice; of diplomatic representatives and consular agents of the nation, and of all other public officers whose appointment may require the approval of the Senate in accordance with the law.

Fifth. To authorize Cuban citizens to accept employment or honors from another government or to serve in the army thereof.

Sixth. To ratify the treaties entered into by the President of the Republic with other nations.

SECTION THIRD.—*The House of Representatives; its organization and attributes.*

ART. 48. The House of Representatives shall be composed of one Representative for each twenty-five thousand inhabitants or fraction thereof over twelve thousand five hundred, elected for the period of four years by direct vote and in the manner provided for by law.

One-half of the members of the House of Representatives shall be elected every two years.

ART. 49. The following qualifications are necessary to be a Representative:

First. To be a native-born or naturalized Cuban citizen who has resided for eight years in the Republic from and after the date of his naturalization.

Second. To have attained to the age of twenty-five years.

Third. To be in full possession of all civil and political rights.

ART. 50. It shall be the duty of the House of Representatives to impeach in the Senate the President of the Republic, and the Cabinet ministers in all cases prescribed in paragraphs first and second of article 47, whenever two-thirds of the total number of Representatives shall so resolve in secret session.

SECTION FOURTH.—*Provisions common to both colegislative bodies.*

ART. 51. The positions of Senator and Representative are incompatible with the holding of any paid position of government appointment, with the exception of that of a professorship in a government institution, obtained by competitive examination prior to election to the first-named positions.

ART. 52. Senators and Representatives shall receive from the State a pecuniary remuneration, alike for both positions, the amount of which may be changed at any time; but the change shall not take effect until after the future election of one-half of the members of the colegislative bodies.

ART. 53. Senators and Representatives shall not be held liable for the votes and opinions given and expressed in the discharge of their duties. Senators and Representatives shall only be arrested or indicted by authority of the body of which they form part, should Congress be in session at the time, except in case of being actually discovered in *flagrante delicto*. In this case, and in case of their being arrested or indicted at the time when Congress is not in session, report shall be made as soon as practicable to the body to which they belong for proper action.

ART. 54. Both Houses of Congress shall open and close their sessions on the same day; they shall be established at the same place, and neither the Senate nor the House of Representatives shall remove to any other place nor adjourn for more than three days, except by joint resolution of both Houses.

Neither shall they open their sessions without two-thirds of the total number of their members being present, nor shall they continue their sessions without an absolute majority of members being present.

ART. 55. Each House shall decide as to the validity of the election of its respective members and as to the resignations presented by them.

No Senator or Representative shall be expelled from the House to which he belongs, except by virtue of a case previously decided against him, and by resolution of at least two-thirds of the total number of its members.

ART. 56. Each House shall frame its respective rules and regulations, and elect from among its members its President, vice-presidents, and secretaries. However, the President of the Senate will only discharge the duties of office when the Vice-President of the Republic is absent or is fulfilling the duties of President of the same.

SECTION FIFTH.—*Congress and its powers.*

ART. 57. Congress shall meet by virtue of the inherent rights thereof twice in each each year, and shall remain in session during a period of at least forty legal working days during each term.

The first session shall begin on the first Monday in April and the other on the first Monday in November. It will meet in extra sessions in such cases and in such manner as provided for by the rules and regulations of the colegislative bodies and whenever convened by the President of the Republic in accordance with the provisions of this Constitution.

In such cases it shall only consider the express object or objects for which it meets.

ART. 58. Congress shall meet as a joint body to proclaim, after counting and rectifying the electoral vote, the President and Vice-President of the Republic.

In this case the duties of the President of Congress shall be performed by the President of the Senate, and in his absence by the President of the House of Representatives as vice-president of said Congress.

If upon counting the votes for President it should appear that none of the candidates has an absolute majority of votes, or if there should be a tie, Congress, by a majority of votes, shall elect as President one of the two candidates having obtained the greatest number of votes.

Should two or more candidates be in the same condition, by two or more of them having obtained a like number of votes, Congress shall elect one of their number.

Should the vote of Congress also result in a tie, the vote shall be again taken; and if the result of the second vote be the same, the President will cast the deciding vote.

The method established in the preceding paragraph shall be employed in the election of Vice-President of the Republic.

The counting of the electoral vote shall take place prior to the expiration of the Presidential term.

ART. 59. Powers of Congress.

First. To prepare the national codes and laws of a general nature; to determine the rules that shall be observed for general, provincial. and municipal elections; to issue orders for the regulation and organization of all matters pertaining to the general administration of public, provincial, and municipal affairs, and issue all other laws and decisions which it may deem proper in connection with all other matters whatsoever of public interest.

Second. To discuss and approve the budgets of Government revenue and expenditure. The said revenue and expenditure, except such as will be mentioned hereinafter, shall be included in annual budgets and shall only remain in force during the year for which they shall have been approved.

The expenses of Congress, those of the administration of justice, those for interest and redemption of loans, and the revenues with which they have to be paid shall be of a permanent nature and shall be included in a fixed budget which, shall remain in force until changed by special laws.

Third. To contract loans; but at the same time it shall be under the obligation of deciding what permanent revenues shall be necessary for the payment of the interest and redemption thereof. All action relating to loans shall require two-thirds of the vote of the total number of the members of each colegislative body.

Fourth. To coin money, specifying the standard, weight, value, and denomination thereof.

Fifth. To regulate the system of weights and measures.

Sixth. To establish rules for regulating and developing internal and foreign commerce.

Seventh. To regulate the postal service; also railroads, public roads, canals, and harbors, establishing those required by public convenience.

Eighth. To establish the duties and taxes of a national character necessary for the needs of the Government.

Ninth. To establish rules and procedures for naturalization of citizens.

Tenth. To grant amnesties.

Eleventh. To fix the number of the land and naval forces and to determine the organization thereof.

Twelfth. To declare war and approve treaties of peace made by the President of the Republic.

Thirteenth. To designate, by means of a special law, who shall be President of the Republic in case of the removal from office, death, resignation, or incapacity of the President and Vice-President thereof.

ART. 60. Congress shall not include in the budget laws provisions that may bring about legislative or administrative changes of any other nature; nor shall it reduce or suppress any revenue of a permanent nature without establishing at the same time others in substitution thereof, except in case of reduction or suppression caused by the reduction or suppression of equivalent permanent expenses; nor shall Congress assign to any service that has to be provided for in the annual budget a greater amount than that recommended in the project of the Government; but it may establish new services and reform or give greater scope to those already existing by enactment of special laws.

SECTION SIXTH.—*The initiative, preparation, sanction, and promulgation of the laws.*

ART. 61. The initiative in respect to the laws is in each of the colegislative bodies without distinction.

ART. 62. Every bill which shall have passed both colegislative bodies, and every resolution of the said bodies that may have to be executed by the President of the Republic must be presented to him for approval. If he approve them he will sign them at once, otherwise he shall return them with his objections to the colegislative body in which they shall have originated; which body shall enter the said objections at large upon its minutes and will again discuss the bill or resolution. If, after this second discussion, two-thirds of the total number of members of the colegislative body should vote in favor of the bill or resolution, it shall be sent, together with the objections of the President, to the other body, where it shall also be discussed, and if the latter should approve same by like majority it shall become a law. In all the above cases the vote shall be taken by name.

If within the following ten working days after having received a bill or resolution the President shall not have returned the same, it shall be considered approved and become law.

If within the last ten days of a legislative session there should be presented to the President of the Republic any bill, and he should decide to take advantage of the entire period, in accordance with the preceding paragraph, granted to him by law for the approval thereof, he shall notify Congress on the same day of his determination, in order that the latter may remain in session, should it so desire, until the expiration of the said period. Should the President not do so, the bill shall be considered approved and become law.

No bill after being defeated in its entirety by either of the colegislative bodies shall be again presented for discussion during the same legislative session.

ART 63. Every law shall be promulgated within ten days next following the date of its approval by either the President or Congress, as the case may be, according to the preceding article.

TITLE VII.

THE EXECUTIVE POWER.

SECTION FIRST.—*The exercise of Executive power.*

ART. 64. The Executive power shall be vested in the President of the Republic.

SECOND SECTION.—*The President of the Republic, his powers and duties.*

ART. 65. The President of the Republic must possess the following qualifications:

First. He must be a native-born or naturalized Cuban citizen, and in the latter case must have served in the Cuban Army in its wars of Independence for at least ten years.

Second. He must have attained to the age of forty years.

Third. He must be in full possession of his civil and political rights.

ART. 66. The President of the Republic shall be elected by Presidental electors on one single day and as provided for by law.

The term of office shall be four years, and no person shall be President for three consecutive terms.

ART. 67. The President shall take oath of office, or make affirmation, before the Supreme Court of Justice, upon taking office, faithfully to discharge the duties thereof, to comply with and enforce the Constitution and the laws.

ART. 68. The duties of the President of the Republic are:

First. He shall sanction and promulgate the laws, execute and enforce them; issue, when Congress may not have done so, the regulations for the better enforcement of the laws, and, in addition thereto, the decrees and orders which, for this purpose and for all that which pertains to the control and administration of the nation, he may deem proper, without in any case violating the provisions established in said laws.

Second. He shall convene special sessions of Congress, or of the Senate alone, in the cases specified in this Constitution or when in his judgment it may be necessary.

Third. He shall adjourn Congress whenever therein an agreement in this particular shall not have been arrived at between the colegislative bodies.

Fourth. He shall present to Congress at the opening of each legislative session and at such other times as he may deem proper a message relating to the acts of his administration, demonstrating the general condition of the Republic; and he shall furthermore recommend the adoption of such laws and resolutions as he may deem necessary or advantageous.

Fifth. He shall present to either House of Congress prior to the 15th day of November the project of the annual budgets.

Sixth. He shall furnish Congress with all the information that it may ask for in reference to all matters that do not demand secrecy.

Seventh. He shall direct diplomatic negotiations and make treaties with all nations, but he must submit same for the approval of the Senate, without which they shall not be valid or binding upon the Republic.

Eighth. He shall have the power to freely appoint and remove from office the members of his Cabinet, notifying Congress of such action.

Ninth. He shall appoint, subject to the approval of the Senate, the Chief Justice and justices of the Supreme Court and the diplomatic representatives and consular agents of the Republic, with power to make *pro tempore* appointments of such functionaries in cases of vacancy when the Senate is not in session.

Tenth. He shall appoint such other public officers to all positions specified by law whose appointment does not pertain to any other authority.

Eleventh. He shall have the right to suspend the exercise of the powers enumerated in article 40 of this Constitution in such cases and in the manner stated in articles 41 and 42.

Twelfth. He shall have the right to suspend the resolutions of provincial and municipal councils in such cases and in the manner determined by this Constitution.

Thirteenth. He shall have the right to order the suspension from office of governors of Provinces in case of their exceeding their powers and violating the laws, reporting the fact to the Senate in such manner as may be determined, for proper action.

Fourteenth. He shall have the right to prefer charges against the governors of Provinces in the cases stated in paragraph third of article 47.

Fifteenth. He shall have the right to pardon criminals in accordance with the provisions of the law, except public officers who may have been convicted of crimes committed in the performance of their duties.

Sixteenth. He shall receive the diplomatic representatives and recognize the consular agents of other nations.

Seventeenth. He shall have at his disposal, as Commander in Chief, the land and naval forces of the Republic, take proper measures for the defense of its territory, reporting to Congress the action taken for the purpose, and take proper measures for the maintenance of the public peace whenever there shall arise any danger of invasion or any rebellion seriously threatening public safety. At a time when Congress is not in session the President shall convene same without delay for proper action.

ART. 69. The President shall not leave the territory of the Republic without the authority of Congress.

ART. 70. The President shall be responsible before the Supreme Court of Justice for all ordinary crimes committed by him during his term of office; but he shall not be indicted without previous authority of the Senate.

ART. 71. The President shall receive from the State a salary which may be changed at any time; but the change shall not take effect except within the Presidential periods next following that in which it may have been agreed upon.

TITLE VIII.

THE VICE-PRESIDENT OF THE REPUBLIC.

ART. 72. There shall be a Vice-President of the Republic, who shall be elected in the same manner and for a like period of time as the President and conjointly with the latter. To become Vice-President, the same qualifications prescribed for President by this Constitution are necessary.

ART. 73. The Vice-President of the Republic shall be President of the Senate, but shall only be entitled to vote in case of a tie.

ART. 74. In case of temporay or permanent absence of the President of the Republic, the Vice-President shall substitute him in the exercise of the Executive power. Should the absence be permanent, the substitution shall continue until the end of the Presidential term.

ART. 75. The Vice-President shall receive a salary from the State which may be changed at any time, but the change shall not take effect except within the Presidential periods next following that in which it may have been agreed upon.

TITLE IX.

ART. 76. For the exercise of his powers the President of the Republic shall have such Cabinet Ministers as may be prescribed by law, and Cuban citizens only in the full enjoyment of their civil and political rights shall be appointed.

ART. 77. All decrees, orders, and decisions of the President of the Republic shall bear the *referendum* of the respective Cabinet Minister, without which they shall not be enforceable and shall not be executed.

ART. 78. The Cabinet Ministers shall be personally responsible for all acts bearing their referendum and jointly and severally responsible for those which they may jointly decree or sanction. This responsibility does not exempt the President from the personal and direct responsibility which he may incur.

ART. 79. The Cabinet Ministers shall be impeached by the House of Representatives, in the Senate, in the cases mentioned in paragraph two of article 47.

ART. 80. The Cabinet Ministers shall receive a salary from the State which may be changed at any time, but the change shall not go into effect except within the Presidential periods next following the one in which it may have been agreed upon.

TITLE X.

SECTION FIRST.—*The exercise of judicial powers.*

ART. 81. The judicial power shall be vested in a Supreme Court of Justice and in such other courts as may be established by law. The said law will regulate their respective organization and powers, the manner of exercising the same, and the qualifications that must be possessed by the functionaries composing the said courts.

SECTION SECOND.—*Supreme Court of Justice.*

ART. 82. To be Chief Justice or justices of the Supreme Court the following conditions are required:

First. To be a Cuban by birth.

Second. To have attained to the age of thirty-five years.

Third. To be in the full enjoyment of civil and political rights, and not to have been condemned to any *pena aflictiva* for ordinary offenses.

Fourth. To possess, in addition, any of the following qualifications:

To have practiced in Cuba, during ten years at least, the profession of law, or discharged for a like period of time judicial duties, or occupied for the same number of years a chair of law in an official educational establishment.

Other persons may be also appointed to the positions of Chief Justice and justices of the Supreme Court, provided they possess the qualifications required by conditions 1, 2, and 3 of this article.

(*a*) Those persons who may have previously held positions in the judiciary of a similar or next inferior grade for the period that may be provided for by law.

(*b*) Those persons who, prior to the promulgation of this Constitution, may have been justices of the Supreme Court of the Island of Cuba.

The time during which lawyers shall have exercised judicial functions shall be reckoned as that of the practice of law necessary to qualify them for appointment as justices of the Supreme Court.

ART. 83. In addition to the powers that may have been conferred previously, or may be in future conferred by the laws, the Supreme Court shall be vested with the following:

First. To take cognizance of appeals for the cassation of decisions of inferior courts.

Second. To decide as to the right of jurisdiction of courts immediately below it, or which may not be under the control of a higher court, common to both.

Third. To have cognizance of all cases in litigation to which the State, Provinces, and municipalities are parties inter se.

Fourth. To decide as to the constitutionality of the laws, decrees, and regulations, whenever questions relating thereto shall arise between interested parties.

SECTION THIRD.—*General rules relating to the administration of justice.*

ART. 84. Justice shall be administered gratuitously throughout the territory of the Republic.

ART. 85. The courts of law shall have cognizance of all suits, either civil, criminal, or interadministrative (contencioso-administrativos).

ART. 86. There shall not be created, under any circumstances or title whatsoever, any judicial commission or special courts.

ART. 87. No judicial functionary shall be suspended or discharged from his office or position except by reason of crime or other serious cause, duly proven, and always after he has been heard.

Neither shall he be removed to another position without his consent unless it be for the manifest benefit of the public service.

ART. 88. All judicial functionaries shall be personally responsible, in the manner which the laws may determine, for all violations of the laws committed by them.

ART. 89. The salaries of judicial functionaries shall only be changed at periods of over five years, the said change to be made by a special law. The law shall not assign different salaries for positions the grade, category, and duties of which are equal.

ART. 90. Military and naval courts shall be regulated by a special organic law.

TITLE XI.

PROVINCIAL GOVERNMENT.

SECTION FIRST.—*General rules.*

ART. 91. Provinces shall comprise the municipal districts within their limits.

ART. 92. Each Province shall have one governor and one provincial council, elected by the direct vote of the people in the manner prescribed by law. The number of councilmen in each Province shall not be less than eight nor more than twenty.

SECTION SECOND.—*Provincial councils and their powers.*

ART. 93. Provincial councils shall have the right to—

First. Decide all matters concerning the Province, and which, under the Constitution, treaties, or laws, are not within the general jurisdiction of the State or the special jurisdiction of the ayuntamientos.

Second. Prepare their budgets, providing the necessary incomes to meet them, without any other limitations thereto than that consistent with the tax system of the Government.

Third. Contract loans for public works for the benefit of the Province, but voting at the same time the necessary permanent incomes for the payment of the interest and redemption of said loans.

In order that said loans may be raised, they must be approved by two-thirds of the members of the municipal councils of the Province.

Fourth. To impeach the governor before the Senate, in the cases specified in paragraph 3 of article 47, whenever two-thirds of the total number of provincial councilmen shall decide, in secret session, to prefer such charges.

Fifth. To appoint to and remove from office provincial employees, in accordance with provisions which may be established by law.

ART. 94. Provincial councils shall not reduce or suppress revenues of a permanent character without establishing, at the same time, others in substitution thereof, except when the reduction or suppression shall arise from the reduction or suppression of equivalent permanent expenses.

ART. 95. The decisions of the provincial councils shall be presented to the governor of the Province, and should he approve the same he shall affix his signature thereto. Otherwise, he shall return them, with his objections, to the council, which will again discuss the matter. If, after this second discussion, two-thirds of the total number of councilmen should vote in favor of the measure it shall be executed.

Whenever the governor does not, within ten days after the presentation of the resolution, return the same it will be considered approved, and shall, in a like manner, be executed.

ART. 96. All resolutions of the provincial councils may be suspended by the governor of the Province or by the President of the Republic, whenever, in their judgment, they may be contrary to the Constitution, treaties, laws, or resolutions adopted by the municipal councils in the exercise of their inherent rights. But the right of cognizance and decision of all claims arising from the said suspension shall pertain to the courts.

ART. 97. Neither the provincial councilmen, nor any section of, or commission from among their members, or of other persons designated by them, shall have any intervention in election matters pertaining to any election whatsoever.

ART. 98. The provincial councilmen shall be personally responsible before the courts in the manner prescribed by law for all acts whatsoever which they may perform in the exercise of their duties.

SECTION THIRD.—*Governors of Provinces and their powers.*

ART. 99. The governors of Provinces shall have power to—

First. Comply with and enforce, in all matters within their jurisdiction, the laws, decrees, and general regulations of the nation.

Second. Publish the resolutions of the provincial councils that may be enforceable, executing the same and causing them to be executed.

Third. Issue orders, as well as the necessary instructions and regulations for the better execution of the resolutions of the provincial councils, when the latter should not have done so.

Fourth. Call together the provincial councils in special session, whenever in their judgment it may be necessary, stating in the order convening the session the object thereof.

Fifth. Suspend the resolutions of the provincial and municipal councils in the cases determined this Constitution.

Sixth. Order the suspension of alcaldes from office in cases where they exceed their powers, violate the Constitution or the laws, infringe the resolutions of provincial councils, or fail to comply with their duties; reporting such action to the provincial council in such manner as may be provided for by law.

Seventh. Appoint and remove the employees of his office in such manner as may be provided for by law.

ART. 100. The governor shall be responsible to the Senate, as specified in this Constitution, and to the courts of justice, in all other cases of crime in such manner as may be provided for by law.

ART. 101. The governor shall receive from the provincial treasury a salary, which may be changed at any time, but the change shall not take effect until after the election of a new governor.

ART. 102. In case of absence, either temporary or permanent, of the governor of the province, he shall be substituted in the discharge of his official duties by the president of the provincial council. Should such absence be permanent such substitution shall continue until the end of the term for which the governor may have been elected.

TITLE XII.

MUNICIPAL GOVERNMENT.

SECTION FIRST.—*General rules.*

ART. 103. The municipal districts shall be governed by municipal councils composed of the number of councilmen, elected by direct vote, as may be provided for by law.

ART. 104. In each municipal district there shall be an alcalde, elected by direct vote, as may be provided for by law.

SECTION SECOND.—*Municipal councils and their powers.*

ART. 105. The municipal councils shall have power to—

First. Decide all matters that relate exclusively to municipal districts.

Second. Prepare the budgets, providing the necessary revenues to meet them, without further limitations than making them compatible with the tax system of the State.

Third. Contract loans, but at the same time voting the permanent revenues necessary for the payment of interest and redemption of same.

In order that said loans may be negotiated, they must be approved by two-thirds of the voters of the municipal districts.

Fourth. To appoint and remove from office municipal employees, as may be provided for by law.

ART. 106. The municipal council shall not reduce or suppress any revenues of a permanent nature without providing others at the same time in substitution thereof, except when the reduction or suppression arises from the reduction or suppression of equivalent permanent expenditures.

ART. 107. The resolutions of municipal councils shall be presented to the alcalde. If the latter should approve them he will attach his signature thereto; otherwise he will return them, with his objections, to the municipal council, where they will again be discussed. And if, upon this second discussion, two-thirds of the total number of councilmen should vote in favor of any resolution it shall be executed.

Whenever the alcalde should not return any resolution within ten days after it has been presented to him, it shall be considered approved and shall also be executed.

ART. 108. The resolutions of municipal councils may be suspended by the alcalde, by the governor of the Province, or by the President of the Republic, whenever, in their judgment, such resolutions are contrary to the Constitution, to treaties, to the laws, or to the resolutions adopted by the provincial council by virtue of its inherent rights, but the courts of justice shall take cognizance of and decide all claims arising therefrom.

ART. 109. Councilmen shall be personally responsible before the courts of justice, as may be provided for by law, for all acts performed by them in the exercise of their duties.

SECTION THIRD.—*Alcaldes; their powers and duties.*

ART. 110. Alcaldes shall be required to—

First. Publish the resolutions of municipal councils that may be binding, execute and cause the same to be executed.

Second. To take charge of the administration of municipal affairs, issuing orders for the purpose, as well as instructions and regulations for the better execution of the resolutions of municipal councils, whenever the latter may fail to do so.

Third. Appoint and remove the employees of his office as may be provided for by law.

ART. 111. The alcalde shall be personally responsible before the courts of justice, as may be prescribed by law, for all acts performed in the discharge of his official duties.

ART. 112. The alcalde shall receive a salary, to be paid by the municipal treasury, which may be changed at any time; but such change shall not take effect until after a new election has been held.

ART. 113. In case of either temporary or permanent absence of the alcalde, his official duties shall be discharged by the president of the municipal council.

Should such absence be permanent, such substitution shall continue for the term for which the alcalde may have been elected.

TITLE XIII.

THE NATIONAL TREASURE.

ART. 114. All property existing within the territory of the Republic not belonging to provinces or municipalities or to individuals, separately or collectively, is the property of the State.

TITLE XIV.

AMENDMENTS TO THE CONSTITUTION.

ART. 115. The Constitution shall not be amended, in whole or in part, except by a resolution adopted by two-thirds of the total number of members of each colegislative body.

Six months after an amendment has been agreed upon a Constitutional Convention shall be convened, the duties whereof shall be limited to either approving or rejecting the amendment voted by the colegislative bodies, which latter shall continue in the performance of their duties with absolute independence of the convention.

Delegates to the said convention shall be elected by each province in the proportion of one for every fifty thousand inhabitants and in the manner that may be provided by law.

TRANSITORY RULES.

First. The Republic of Cuba does not recognize any other debts and obligations than those legitimately contracted in behalf of the revolution by the corps commanders of the Liberating Army subsequent to the twenty-fourth day of February, 1895, and prior to the nineteenth day of September of the same year, the date on which the Jimaguayú Constitution was promulgated, and such debts and obligations as the revolutionary government may have contracted subsequently, either by itself or through its legitimate representatives in foreign countries. Congress shall classify said debts and obligations and decide as to the payment of those that may be legitimate.

Second. Persons born in Cuba, or children of native-born Cubans, who, at the time of the promulgation of this Constitution, might be citizens of any foreign nation shall not enjoy the rights of Cuban nationality without first and expressly renouncing their said foreign citizenship.

Third. The period of time which foreigners may have served in the wars of independence of Cuba shall be computed as within that required for the naturalization and residence necessary to acquire the right granted to naturalized citizens in article 49.

Fourth. The basis of population which is established in relation to the election of Representatives and Delegates to the Constitutional Convention in articles 48 and 115 may be changed by law whenever, in the judgment of Congress, it should become necessary through the increase of the number of inhabitants, as may be shown by the census which may be periodically taken.

Fifth. Senators, at the time of the first organization of the Senate, shall divide into two groups for the purpose of determining their respective tenures of office.

Those comprising the first group shall cease in their duties at the expiration of the fourth year, and those comprising the second group at the expiration of the eighth year. It shall be decided by lot which of the two Senators from each province shall belong to either group.

The law will provide the procedure for the formation of the two groups into which the House of Representatives shall be divided for the purpose of its partial renewal.

Sixth. Ninety days after the promulgation of the electoral law, which shall be prepared and adopted by the Constitutional Convention, the election of public officers provided for by the Constitution shall be proceeded with, for the transfer of the Government of Cuba to those elected, in conformity with the provisions of Order No. 301 of Headquarters Division of Cuba, dated July 25, 1900.

Seventh. All laws, decrees, regulations, orders, and other rulings which may be in force at the time of the promulgation of this Constitution shall continue to be observed, in so far as they do not conflict with the said Constitution, until such time as they may be legally revoked or amended.

DOMINGO MÉNDEZ CAPOTE.
JOSÉ M. GOMEZ.
JOSÉ DE MONTEAGUDO.
M. MORÚA DELGADO.
LUIS FORTUN.
PEDRO G. BETANCOURT.
ELISEO GIBERGA.
GONZALO DE QUESADA.
J. RIUS RIVERA.
JOSÉ B. ALEMAN.
EUDALDO TAMAYO.
JOSÉ LUIS ROBAU.
MANUEL R. SILVA.
MANUEL SANGUILY.
JOAQUÍN QUILEZ.
DIEGO TAMAYO.
MIG. GENER.
EMILIO NUÑEZ.
LEOPOLDO BARRIEL.
J. FERZ. DE CASTRO.
JOSÉ N. FERRER.
R. MANDULEY.
ALEJANDRO RODRIGUEZ.
RAFAEL M. PORTUONDO.
JOSÉ LACRET MORLOT.
ANTONIO BRAVO Y CORREOSO.
JUAN GUALBERTO GOMEZ.
ALFREDO ZAYAS, *Secretary.*
ENRIQUE VILLUENDAS, *Secretary.*

HALL OF SESSIONS OF THE CONSTITUTIONAL CONVENTION,
Havana, February 21, 1901.

[Translation.]

HAVANA, *June 13, 1901.*

Honorable MILITARY GOVERNOR OF CUBA.

HONORABLE SIR: Replying to your official letter dated on the eighth (8th), whereby you forward to the undersigned the report of the Honorable the Secretary of War, dated May 31st last, I have the honor to advise you that at the session held yesterday, June 12th, by the Constitutional Convention, there was taken the following

RESOLUTION:

The Constitutional Convention, in conformity with the order from the military governor of the island, dated July 25th, 1900, whereby said convention was convened, has determined to add, and hereby does add, to the Constitution of the Republic of Cuba, adopted on the 21st of February ultimo, the following:

APPENDIX.

ARTICLE I. The Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any way authorize or permit any foreign power or powers to obtain by colonization or for naval or military purposes, or otherwise, lodgement or control over any portion of said island.

ART. II. That said Government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which the ordinary revenues of the Island of Cuba, after defraying the current expenses of the Government, shall be indequate.

ART. III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cubàn independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

ART. IV. That all the acts of the United States in Cuba during the military occupancy of said island shall be ratified and held as valid, and all rights legally acquired by virtue of said acts shall be maintained and protected.

ART. V. That the Government of Cuba will execute, and, as far as necessary, extend the plans already devised, or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the

end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the Southern ports of the United States and the people residing therein.

ART. VI. The island of Pines shall be omitted from the boundaries of Cuba specified in the Constitution, the title of ownership thereof being left to future adjustment by treaty.

ART. VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defence, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States.

ART. VIII. The Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

With the testimony of our greatest consideration, very respectfully, the President,

DOMINGO MÉNDEZ CAPOTE.

PROVISIONAL ELECTORAL LAW FOR THE CONSTITUTION OF A REPUBLICAN GOVERNMENT FOR THE ISLAND OF CUBA.

No. 218.] HEADQUARTERS DEPARTMENT OF CUBA,
Havana, October 14, 1901.

The military governor of Cuba directs the publication of the following order:

I. An election will be held throughout the island on December 31, 1901, which is hereby declared a legal holiday, at which there will be elected Presidential and Senatorial electors; members of the House of Representatives; governors of provinces and members of provincial councils, as hereinafter provided for.

II. Another election will be held throughout the island on February 24, 1902, which is also hereby declared a legal holiday, at which there will be elected the President, Vice-President, and Senators as hereinafter provided for.

III. PROVISIONAL ELECTORAL LAW FOR THE CONSTITUTION OF A REPUBLICAN GOVERNMENT FOR THE ISLAND OF CUBA.

CHAPTER I.

ELECTORAL RIGHT.

ARTICLE 1. All male Cubans over 21 years of age will be electors for the offices of Representatives, governors of provinces, members of provincial councils, electors for the election of Senators, President, and Vice-President of the Republic, except the following:

1st. Those judicially disqualified by reason of crime.

2nd. Those mentally incapacitated, having been previously judicially so declared.

3rd. Those belonging to the land and naval forces that may be in active service.

4th. Those confined in charitable institutions.

CHAPTER II.

CONDITIONS OF ELIGIBILITY.

ART. 2. All Cubans who know how to read and write and who are in the full enjoyment of their civil and political rights, possessing the following requisites, are eligible:

(*a*) For governors of provinces or members of provincial councils: 1st. To be a native or naturalized Cuban with eight years' residence in the island, counted from the date of his naturalization. 2nd. To have reached the age of thirty years and to be a native of the province or to be a resident therein for more than two years. 3rd. To be the head

of a family, or a property owner, or a taxpayer in the province for at least one year prior to the election; or to have a professional title or have filled a public office by popular election.

(*b*) For Representatives: 1st. To be a native or a naturalized Cuban with eight years' residence in the island, to be counted from the date of his naturalization. 2nd. To have reached the age of twenty-five years.

(*c*) For Senatorial electors: 1st. Taking into consideration the number of these required in a province, one-half will be composed of electors who, being of age and knowing how to read and write, may be residents of any municipality of said province for one year prior to the election and who are greatest taxpayers, and the other half will be composed of electors of age, also residents of a municipality of the province, who may know how to read and write.

(*d*) For Presidential electors: 1st. To be a native or a naturalized Cuban with eight years' residence in the island, to be counted from the date of his naturalization. 2nd. To be of age and a resident of any municipality of the province in which he may be elected.

(*e*) For Senator: To be a native-born Cuban and to have reached the age of thirty-five years.

(*f*) For President of the Republic: 1st. To be a native or naturalized Cuban, and in this case to have served Cuba under arms in her wars for independence during at least 10 years. 2nd. To have reached the age of 40 years.

(*g*) For Vice-President of the Republic: The same requisites as for President.

CHAPTER III.

INCOMPATIBILITIES AND DISABILITIES.

ART. 3. The filling of any public elective position is incompatible with the filling of any other official position paid by the Republic, as well as with any other employment that may be paid from State, provincial or municipal funds; excepting, as far as the offices of Senators and Representatives are concerned, that of professor of an official establishment obtained by competitive examination prior to the election.

Those who, in any of the cases referred to, may be elected, will not be admitted to the discharge of their duties until they have ceased in their other positions or duties.

ART. 4. The following are incapacitated to discharge the duties of their positions, even in case they were legally elected, or to continue in the exercise of same, at whatever time the incapacity may be declared:

1st. Those comprised in any of the exceptions referred to in article 1 of this law;

2nd. The elected officials who, according to the case, do not combine the respective conditions set forth in the paragraphs of article 2 of this law;

3rd. Those who may be managers or directors of any enterprise or firm having any contract paid from State, provincial, or municipal funds; those who may have any claim pending decision in connection with such contracts, and those who may be partners of any one comprised in any of the aforementioned cases, or who may be debtors to the Public Treasury, having given bond for themselves or for any other person.

CHAPTER IV.

ELECTORAL REGISTRY.

ART. 5. To exercise the electoral right it is necessary to be registered in the corresponding electoral registry; that is, the book wherein the full names, place of birth, age, occupation, civil status, and residence of the Cuban citizens who may be electors shall be recorded.

The electoral registry of each municipality will be prepared in alphabetical order of second names, with the names that are given in the partial lists of electors who may be registered in each ward of the municipality, according to the decree of the military government, dated April 18, 1900, and with the new registration that may be effected according to the provisions of Chapter V of this law.

ART. 6. Within the fifteen days following the promulgation of the present law the municipalities will issue certified copies of the list of electors of each one of its wards, as referred to in the foregoing article, which certificates are to be delivered to the respective presidents of the boards of registration.

CHAPTER V.

REGISTRATION

ART. 7. Ten days after the promulgation of the present law the municipal mayors will call the electors, who will meet in their respective wards within the eight days following the date of the call, and in the place and at the date which will be fixed, and proceed to the election of the board of inscription of the ward. In the absence of the mayor, a councilman must appear in each ward, and in his absence a delegate appointed by the mayor, for the constitution of the provisional board referred to in the following article.

ART. 8. At eight o'clock in the morning of the day fixed for the meeting, the mayor, or the councilman, or the delegate appointed for that purpose will invite the eldest and the two youngest of the electors present among those who know how to read and write, in order that the former may preside over the board and the two latter act as secretaries. Should any doubts or claims arise in reference to the age of said persons, it will be decided by lot between them.

In the event that at ten o'clock in the morning there should not have come to the meeting over ten persons combining the conditions of electors, and if none of those present cares to accept the place on the board that corresponds to him, the mayor, or the councilman, or the delegate will appoint the provisional board from among the residents of the ward who may have the necessary requisites.

ART. 9. As soon as the provisional board is constituted, the president will say aloud: "The voting for the election of the members of the board of registration will commence," and from that moment until five o'clock of the same day the voting will remain open, the members of the board being the first to cast their votes.

ART. 10. The board of registration will be composed of three residents of the municipality who know how to read and write, elected by

ballot and by a majority of votes; no elector may vote for more than two members and two substitutes thereof. The positions on the board of registration shall be without salary.

ART. 11. The citizens shall approach the table one by one and, after having affirmed or sworn that they are electors, will deliver to the president one by one the folded ballot containing their vote. The president will place same in the ballot box, saying: "Vote of elector ——." If any doubt arises as to the identity of the elector he will be identified by the declarations of the electors present. When the personality of the elector is not identified, he will not be allowed to vote, and the board will so state in the minutes.

ART. 12. At five o'clock in the afternoon the president, in the name of the law, will forbid further entrance, closing the doors if considered necessary. The voting will continue until the ballots of the electors present have been received, and after the last one has voted the president will say: "The voting is closed." The doors will be opened to the public but no more votes will be received.

ART. 13. The voting having been completed in the foregoing manner, one of the secretaries will read aloud the names of the voters, and the president will immediately state their number, proceeding to the scrutiny. This will be carried out by the president taking from the ballot box all the ballots one by one, unfolding them and reading them aloud, placing them on the table in the same order in which they were taken out.

The secretaries will make a record of the voting, to compare it with the ballots that have been placed on the table.

Any of the voters has the right to read, count, and compare the ballots with the record taken by the secretaries.

ART. 14. Ballots the validity of which may be doubted will be laid aside and the scrutiny continued to the end. The board will afterwards examine the doubtful ballots and decide upon them by majority, as in all cases, according to the provisions of the following article:

ART. 15. The ballots containing more than the number of names which an elector can designate, and those which may be illegible, will be declared rejected. With regard to mistakes in spelling, slight differences is names and second names, inversion of these or omission of any, the board will decide favorably whenever there is no reason to believe that the voter had intended to designate another person, which decision, with a statement of facts and the protests that may arise, will be stated in the record, attaching to the papers in these cases the ballots upon which the mentioned resolution was taken.

Whenever two or more ballots are found folded together they will be rejected, so stating in the minutes. These ballots will be kept only for the purpose of verifying the number of voters.

ART. 16. When the ballots have been read and the resolutions in regard to doubtful cases rendered, if no protest has arisen against the scrutiny, or those which have arisen are properly decided, each secretary will recount the votes obtained by the candidates, and, if they appear correct, a list will be made of those which each one has obtained, from the highest to the lowest. In case this counting does not appear correct, a new revision and recounting of the ballots will be had, and the result thereof will stand as final.

ART. 17. This list will be read aloud by one of the secretaries. As soon as the reading is ended, the president of the board will proclaim

as members and substitutes of the board of registration the three candidates who have respectively received the greatest number of votes.

The substitute (alternate) who may have received the greatest number of votes will replace, when occasion arises, the member who has received the greatest number, proceeding in the same order throughout.

ART. 18. The member who has obtained the greatest number of votes will be the president of the board of registration, in case of tie it being decided in favor of the elder. The alternates will only preside over the board in the absence of the incumbent members.

ART. 19. The president of the provisional board will issue the corresponding notifications of election, which will be delivered to the interested parties before 12 o'clock noon of the day following that of the election. (Form A.)

The secretaries of the provisional board, together with the president, will write and sign the minutes of election of the board of registration, according to Form No. 1, which record will be deposited in the office of the secretary of the ayuntamiento before 11 o'clock a. m. of the day following that of the election, in order that the electors may examine it. An official copy of said minutes will be delivered to the president of the board of registration.

ART. 20. The president and secretaries will be responsible that on the same day on which the scrutiny is completed a list of the candidates, with the number of votes which they may have obtained, in order of majority, is fixed on the exterior of the building where the elections were held.

ART. 21. The boards of registration will meet at 8 o'clock in the morning of the day following that of their notification, and in the same place wherein the elections took place, and proceed to the registration of the ward electors who may so request and who are not already registered, excluding those who improperly appear as electors. The absent members will be replaced by their respective alternates, and in their absence, by those who may follow in order of majority of votes obtained. The members and alternates who are acting can, in the absence of an alternate, complete the board by electing a substitute for him from among the eligible residents of the ward.

ART. 22. The decisions of the boards of registration will be reached by a majority of votes.

ART. 23. The boards of registration will appoint two clerks of equal rank to assist them in their labors. They will serve for a term of fifteen consecutive days, to be counted from the date of their appointment, and the office hours shall be from 8 a. m. to 4 p. m. Each clerk will receive as pay the sum of two dollars per day of labor.

ART. 24. The registration will be carried out on blank forms, properly printed, which will be delivered by each municipal mayor's office to the board of registration, according to Form No. 2.

ART. 25. All persons requesting registration shall affirm or swear to tell the truth when replying to questions addressed to them in reference to their qualifications as electors. This oath or affirmation shall be given before a member of the board before which the registration has been requested, and it will be sufficient to determine upon his right to be registered, without detriment to the penal responsibility which he may incur.

ART. 26. The board will furnish to each person registered a stub certificate (Form No. 3), showing his full name, place of birth, age,

occupation, whether married or single, residence, number of registration, and date of the certificate, which document will prove his registration.

ART. 27. At the termination of the work each day the board will certify with the signature of each one of its members, placed next to the last name, the number of persons registered. It will take care that an exact list of the persons registered on the day be placed on the exterior of the building and in a conspicuous place, at a height of not over four feet, and before noon of the next day it will forward to the municipal mayor and to the central board of scrutiny, through the civil governor of the Province, a copy of said registrations, certified to and signed by the president and the members of the board.

ART. 28. On the day following the expiration of the term of registration each board will issue three certified copies of the electoral register, in alphabetical order of surnames, which will be signed by all the members of the board. One of these will be fixed on the exterior of the building where it has held its sessions, another in the customary place of the ayuntamiento, and the third will be forwarded under cover to the civil governor of the Province to be duly delivered to the provincial board.

ART. 29. The various sheets of the original list will be fastened together, and immediately next to the last name the three members of the board of registration will certify the total of the names that appear in said list, writing their respective signatures and rubricating, besides, all the sheets.

ART. 30. No amendments, additions, or erasures will be made on the registration forms. If any mistakes should be made, it will be so stated, and, without leaving any blank line at the end of the explanation, the interrupted entries will be continued.

ART. 31. Immediately after the registrations are completed each board will elect one of its members, who will meet in the session hall of the ayuntamiento within the third day, at 12 o'clock noon, with the purpose of designating by majority vote the delegate who, eight days later, will go to the capital of the Province to elect the municipal board in the assembly of delegates of the municipalities.

No delegate can vote for more than five members and their alternates.

ART. 32. The boards of registration will deliver to the municipal mayors, for custody, all the papers in connection with their work, duly wrapped, sealed, waxed, and rubricated, suspending their sessions then until they again meet to constitute themselves the electoral board.

CHAPTER VI.

PROVINCIAL BOARDS.

ART. 33. The provincial boards will be composed of seven members, with their alternates, elected by majority of votes by the delegates of the municipalities. They will have their residence in the capital of the Province, will elect a president and a secretary, and will reach their decisions by majority vote.

The alternates will replace the incumbents in cases of absence, vacancy, or sickness.

ART. 34. The provincial boards will be intermediaries between each electoral district and the central board of scrutiny, with which they

will communicate from the date of their organization. They will be charged with the immediate direction of the electoral proceedings; they will issue the credentials to the candidates proclaimed and will continue discharging their duties until the elections provided for under this law have been completed.

Each provincial board will appoint three clerks for the work of same, who will receive as pay two dollars for each day of labor.

CHAPTER VII.

ELECTORAL DIVISION.

ART. 35. For voting purposes each Province will constitute a district and each municipality a section, the latter being divided into electoral colleges.

The districts will be designated by the name of the respective Province, the sections by the name of the municipality, and the colleges by a number.

ART. 36. The electoral district of Havana will elect 17 representatives, Santa Clara 14, Santiago de Cuba 13, Matanzas 8, Pinar del Río 7, and Puerto Príncipe 4.

ART. 37. Each electoral district will elect a number of Senatorial electors equal to double the number of members of provincial councils that they are entitled to elect.

They will also elect as many Presidential electors as the Province may have Senators and Representatives in the Congress of the Republic.

ART. 38. Each electoral district will elect the governor of its Province and also members of provincial councils, as indicated as follows: That of Havana will elect 20; that of Santa Clara, 17; that of Santiago de Cuba, 17; that of Matanzas, 15; that of Pinar del Río, 12; that of Puerto Príncipe, 8.

ART. 39. For the election of members of provincial councils the Provinces will be divided into circuits, in the following order:

PINAR DEL RÍO.

It is divided into three circuits:

The first one will be composed of the ayuntamientos of Pinar del Río, San Juan y Martínez, San Luis, Guane, and Mantua.

This circuit will elect six members. No elector can vote for more than four candidates.

The second will be composed of the ayuntamientos of Guanajay, Guayabal, Bahía Honda, Mariel, Viñales, Consolación del Norte, and Cabañas.

This circuit will elect three members. No elector can vote for more than two candidates.

The third will be composed of the ayuntamientos of San Cristóbal, Candelaria, Los Palacios, San Diego de los Baños, Artemisa, and Consolación del Sur.

This circuit will elect three members. No elector can vote for more than two candidates.

PROVINCE OF HAVANA.

It is divided into four circuits:

The first one will be composed of the ayuntamiento of Havana.

This circuit will elect eleven members. No elector can vote for more than seven candidates.

The second will be composed of the ayuntamientos of Guanabacoa, Managua, Regla, Santa María del Rosario, Jaruco, Aguacate, Bainoa, Santa Cruz del Norte, San José de las Lajas, and Tapaste.

This circuit will elect three members. No elector can vote for more than two candidates.

The third will be composed of the ayuntamientos of Güines, La Catalina, Madruga, Melena del Sur, Nueva Paz, San Nicolás, Guara, Bejucal, Batabanó, Quivicán, Isle of Pines, San Antonio de las Vegas, San Felipe, and La Salud.

This circuit will select three members. No elector can vote for more than two candidates.

The fourth will be composed of the ayuntamientos of San Antonio de los Baños, Alquízar, Ceiba del Agua, Güira de Melena, Vereda Nueva, Santiago de las Vegas, Marianao, Bauta, and Cano.

This circuit will elect three members. No elector can vote for more than two candidates.

MATANZAS PROVINCE.

It is divided into three circuits:

The first one will be composed of the ayuntamientos of Matanzas, Santa Ana, Alacranes, Bolondrón, Cabezas, Sabanilla, and Unión.

This circuit will elect six members. No elector can vote for more than four candidates.

The second will be composed of the ayuntamientos of Cólon, Cuevitas, Macagua, Martí, M. Gómez, Macurijes, Palmillas, Perico, San José de los Ramos, and Jagüey Grande.

This circuit will elect six members. No elector can vote for more than four candidates.

The third will be composed of the ayuntamientos of Cárdenas, Carlos Rojas, Guamacaro, and Jovellanos.

This circuit will elect three members. No elector can vote for more than two candidates.

SANTA CLARA.

It is divided into four circuits.

The first one will be composed of the ayuntamientos of Santa Clara, Esperanza, Ranchuelo, San Diego, San Juan, Trinidad, and Cruces.

This circuit will elect four members. No elector can vote for more than three candidates.

The second will be composed of the ayuntamientos of Sagua, Ceja de Pablo, Cifuentes, Quemados de Güines, Rancho Veloz, Santo Domingo, Calabazar, and Lajas.

This circuit will elect four members. No elector can vote for more than three candidates.

The third will be composed of the ayuntamientos of Cienfuegos, Abreus, Rodas, Cartagena, Palmira, and Camarones.

This circuit will elect five members. No elector can vote for more than three candidates.

The fourth will be composed of the ayuntamientos of Remedios, Caibarién, Vueltas, Camajuaní, Yaguajay, Placetas, and Sancti Spíritus.

This circuit will elect four members. No elector can vote for more than three candidates.

PUERTO PRINCIPE.

It is divided into two circuits:

The first will be composed of the ayuntamiento of Puerto Príncipe.

This circuit will elect five members. No elector can vote for more than three candidates.

The second will be composed of the ayuntamientos of Nuevitas, Morón, Ciego de Avila, and Sánta Cruz del Sur.

This circuit will elect three members. No elector can vote for more than two candidates.

SANTIAGO DE CUBA.

It is divided into four circuits.

The first will be composed of the ayuntamientos of Santiago, Caney, Cobre, San Luis, Alto Songo, Palma Soriano, and Mayarí.

This circuit will elect six members. No elector can vote for more than four candidates.

The second will be composed of the ayuntamientos of Guantánamo, Baracoa, and Sagua de Tánamo.

This circuit will elect three members. No elector can vote for more than two candidates.

The third will be composed of the ayuntamientos of Holguín, Gibara, and Tunas de Puerto Padre.

This circuit will elect four members. No elector can vote for more than three candidates.

The fourth will be composed of the ayuntamientos of Bayamo, Jiguaní, and Manzanillo.

This circuit will elect four members. No elector can vote for more than three candidates.

CHAPTER VIII.

DESIGNATION OF CANDIDATES.

ART. 40. For a person to appear in the official list of candidates, it is required that he be proposed by a certain number of electors of the jurisdiction in which he is to be voted for. Those who may present said proposal shall guarantee the signatures of the ones making it, including, if they wish, a sketch of the emblem or symbol to be used for marking their candidacy.

Any other electors of the respective ward may sign the proposals of candidates in the name of the electors who do not know how or who may not be able to write.

ART. 41. The proposals will show clearly and in tabulated form the full name, residence, and municipality in which each of the signers appear as an elector.

ART. 42. No elector can propose a greater number of candidates than that for which he is allowed to vote.

ART. 43. The electors may examine the proposals of candidates during the proper hours of working days.

ART. 44. The candidates for any of the positions of Representative, Senatorial or Presidential elector, governor of province, or member of a provincial council, shall be proposed by a number of electors not less than 500 in the Province of Havana, 300 in those of Santa Clara and Santiago de Cuba, 200 in Matanzas, and 100 in Pinar del Río and Puerto Príncipe.

The proposals will be made to the provincial boards directly or through the respective municipal mayors within the term of ten days, to be counted from the establishment of said board, and up to 12 o'clock at night of the last day.

The provincial boards will examine the proposals, rejecting those not combining the requisites established in this law.

ART. 45. The provincial boards will forward to the central board of scrutiny, before 12 o'clock noon of the day following the date of expiration of the period for proposals, a certified copy of those that may have been accepted, enclosing therewith a statement of the number of electors in each section or municipality.

CHAPTER IX.

BALLOTS.

ART. 46. The provincial boards, immediately after having received the necessary instructions from the central board of scrutiny, will order the printing of the ballots for voting, in quantity not less than triple the number communicated in each case by the electoral boards, forwarding them immediately to each college through the corresponding mayor's office, commencing with those more distant or more difficult of communication with the capital of the Province, employing the most rapid and safe channel therefor.

ART. 47. The ballots will be printed in black ink on white paper not transparent and which can be written on, those for each Province being of equal size and quality.

The ballots will be divided by parallel perpendicular lines, forming as many columns as the number of candidates presented by the electors. At the head of each candidacy the emblem or symbol adopted in the proposal will be printed, leaving in blank the corresponding place in cases where no symbol or emblem has been adopted.

On the following line the name of the office will appear, and immediately below will be placed the names of the candidates proposed for that office, with a number of blank spaces below the last printed name equal to the number of candidates that each elector may be allowed to vote for, in order that he may insert the name of the person or persons of his choice who may not be designated on the list of candidates, and for whom he desires to vote.

ART. 48. When forwarding the ballots each provincial board shall count exactly three times the number of the electors of the municipality or electoral section to which they are to be sent, and the seal of said provincial board shall be carefully affixed to said ballots, on the left side thereof, on the upper margin in front.

The offices of the municipal mayors in their turn will count them exactly on receiving them and upon distributing them among the dif-

ferent electoral boards of the district, affixing thereto the seal which will be delivered to them for that purpose, on the same upper margin, toward the center thereof.

In each one of these cases a receipt shall be given stating therein the number of ballots received, as well as whether same were properly sealed or not.

CHAPTER X.

ELECTORAL BOARD.

ART. 49. On December 23d the boards of registration in recess shall be reconvened at four o'clock p. m. in their proper places, in order to act as electoral boards, receiving from the office of the municipal mayor the articles which were left in the custody thereof.

ART. 50. Each electoral college shall comprise a number of electors not less than three hundred nor more than five hundred.

Where there may be an exceeding fraction below three hundred electors and above two hundred in a municipality or section having only one electoral college another one shall be constituted, the total number being divided between the two.

If the same should occur in an electoral section in which there may be more than one college, the excess will be divided between the existing electoral colleges.

In each college there shall be an electoral board, and the boards already existing shall organize those which may be required in the municipalities or electoral sections, where the boards constituted do not suffice. In a municipality in which there may be but one electoral board, each member thereof shall designate a member and an alternate for the new board, and where there may be more than one electoral board, the members of all of them, assembled, will elect by a majority of votes the personnel of the new board, each one voting for two members and two alternates, and declaring elected the three members and three alternates who may have obtained the greatest number of votes.

The personnel of the new electoral boards shall have the same qualifications as the members of existing boards, and after same shall have been constituted they shall appoint their clerks.

The electoral board or boards which may constitute a new board shall forthwith communicate the fact to the provincial board through the most speedy channels. The same formality shall be complied with by the new board.

ART. 51. All electoral boards shall be established as nearly as possible at the center of population of the section or college wherein it shall act.

ART. 52. Where new electoral boards may have to be organized the greatest possible publicity shall be given to the constitution thereof, in order that same may not be ignored by any of the electors of the respective section.

ART. 53. To fill the vacancies which may occur in the electoral boards, action shall be taken as prescribed in article 21 of this law.

The members and alternates of the electoral boards newly constituted, who shall fill their positions by the designation of the members of another electoral board, shall be considered to have the relative majority

which their designators may have reached on being elected, for the purposes of articles 17 and 18 of this law.

No person who shall figure as a candidate for any public office whatsoever shall form a part of any electoral or provincial board.

CHAPTER XI.

ELECTIONS.

ART. 54. All voting for the election of public positions shall be done on one day. It shall commence at seven o'clock a. m. and shall cease at six o'clock p. m., at which hour the scrutiny of votes shall begin.

The day designated for any election shall be, or shall be declared, a holiday, either throughout the entire island, should the election be a general one, or in a specified locality, should the election be partial.

During the voting the forces of no armed institution shall be at the door of any voting place in any case whatever, nor shall they enter into the place except for cause of the breaking of the public peace, after being requested to do so by the president of the respective board.

ART. 55. Prior to the commencement of the voting at any polling place, a document wherein all the members of the board, including the clerks thereof, shall pledge themselves to faithfully comply with the obligations of their positions, in conformity with the law established, shall be publicly read by a member of the board.

After this pledge has been read, those binding themselves thereby shall say in a loud voice which may be heard by all in the place: "We promise (or swear) to comply with same in all faith," after which they shall sign, stating their positions or employment, and the electoral board shall be installed.

The signed promise shall form a part of the documents of each electoral board.

ART. 56. Prior to the commencement of the voting the president of the board, in the presence of the persons there assembled, shall open the ballot box and after showing, by turning it upside down, that it is empty, he shall place it on the table and invite those present to examine it. It shall then be closed and the president shall keep the key. Without same being opened again the president shall announce that the voting will commence, and after he has voted, the members and clerks, in case they should be electors, shall cast their ballots, the voting continuing until the hour designated.

ART. 57. No elector shall vote for a greater number of candidates than as stated below:

For the election of Representatives: In the electoral district of Havana, 11; in that of Santa Clara, 9; in that of Santiago de Cuba, 9; in that of Matanzas, 5; in that of Pinar del Río, 4; and 3 in that of Puerto Príncipe.

In cases of partial elections of Representatives or members of provincial councils, where less than three are to be elected, each elector may vote for the number to be elected. In case three are to be elected, no elector can vote for more than two.

ART. 58. In order to receive and credit the oath or affirmation of any elector in an electoral board, the presence of at least two of the members thereof will be necessary.

ART. 59. In each electoral section there shall be places set apart or in default thereof tables, sufficiently separated from the persons present and from the electoral board, in order that the elector may prepare his ballot without any other witness than the one he may choose, in case he should not be able to mark his ballot by himself. As many such tables or private places shall be furnished as may be necessary, at the rate of one for every one hundred electors, and in each such place or table there shall be the necessary writing materials.

ART. 60. The voting being declared open, the electors shall approach the table one by one, announcing their names or presenting their certificates of inscription, which shall be examined and compared with the certified list of the electors registered in the college.

In case the elector is duly registered, the president will seal a ballot on the right hand of the upper front side and deliver it to him, indicating to him the place where he shall prepare same.

ART. 61. Each voter shall place a cross (+) within the rectangle on the left side of each line of the ballot, in order to indicate the candidate or candidates for whom he wishes to vote; but this, which shall be an indispensable requirement with respect to the candidates whose names are printed on the ballot, shall not be indispensable with regard to the candidate or candidates whose names the elector may write on the blank lines.

The electors shall not make any mark or writing whatsoever except the writing and marks to designate the candidates voted for.

After the ballot has been prepared, the voter shall so fold it that no part of the printed side shall be visible, and without unfolding it or exhibiting it to anyone shall deposit it within the ballot box.

The clerk shall note with the word "Voted" the name of the elector.

ART. 62. An elector who does not know how or is unable to prepare his ballot may call on a person in whom he trusts to mark and prepare his ballot, provided the latter shall be an elector of the college, not allowing any other person whatsoever to be near enough to see or hear what is done or said while the ballot is being prepared.

ART. 63. If from any cause whatever a ballot is spoiled, the voter shall return it to the board, which shall write on the back thereof the word "Returned," The president will repeat the foregoing procedure and will furnish another ballot to the voter. In case any elector should spoil a ballot for the third time another will not be given him.

ART. 64. Each candidate may authorize an electoral representative to watch over the compliance with the law in any board of the section or district wherein he is to be voted for, who shall have the right to witness the casting of the votes and the scrutiny thereof.

Every electoral representative shall be in his turn elector of the college wherein he serves, and upon being admitted by any board shall pledge himself to keep at a proper distance from the table, not to interfere with any act of the voters, except when any of them may require his services in order to prepare his ballot; not to induce anyone to vote for a certain candidate; not to endeavor to get any elector to inform him for whom he intends to vote or has voted, and to keep absolute secrecy over the choice made by the voters to whom he lent his services.

ART. 65. The electoral representative who through his conduct may be prejudicial to the proper progress of the elections of a college shall be warned once by the President, and if he persists in his disturbance the President shall have the right to make him leave the place, making

a minute which shall be signed by all the members of the board, in which shall be set forth the reasons on which he based his action.

The candidate whose electoral representative has been obliged to retire from an electoral board may appoint another to substitute him.

ART. 66. Every electoral representative, as well as any elector of the college, may challenge the exercise of the right of any voter, making in writing or signing before two witnesses a declaration of challenge (Form No. 4); and if the person challenged should maintain his right, he in his turn will make or sign before two witnesses an oath or affirmation in writing (Form No. 5) that he is qualified to make use of the electoral franchise, after which he may vote.

ART. 67. A voter who in case of challenge against him does not declare, affirming his right to vote, in the manner required, will not be allowed to vote.

ART. 68. When a challenge is decided against a voter after he has prepared his ballot it will be recovered by the board, and without being examined will be folded in four and marked on the back "Rejected upon challenge," retaining it for the corresponding count.

ART. 69. At six p. m. the president will announce that the voting is to terminate with the voters who may be within the voting place, not permitting any other person to enter therein.

Immediately after the last of the persons present has voted the election shall be closed, not allowing entrance to any other person.

CHAPTER XII.

SCRUTINY.

ART. 70. The election having been closed, the counting of the ballots which may remain outside of the ballot box shall be proceeded with, grouping those returned, those rejected, and those not used, making a package of each pile, on the cover whereof there shall be written across the fold the contents thereof and the numbers, in letters. The ballots shall then be taken out of the ballot box, counting same without unfolding them, and comparing the number thereof with that of the list of voters. Then the number of ballots taken from the ballot box shall be added to the ballots already put up in packages, and the total obtained shall be compared with the number of ballots received from the municipal mayor's office.

Both results shall be noted in the minutes. Then the blank ballots shall be again placed in the ballot box and the board shall proceed to examine and decide the challenges. Forthwith it shall count and compare the number of votes which each candidate may have secured, the president taking the ballots out one by one and reading their contents in a clear and distinct voice.

ART. 71. If during the scrutiny two or more ballots should be found folded as one, both shall be rejected. There shall likewise be rejected:

Ballots having more than one name marked for the office of governor of the province.

Those which may have marked a greater number of names than those which each elector has the right to vote for, or which may not have the signal or mark by which the candidacy should be designated.

Those not marked with the seals of the provincial board, the munici-

pal mayor, and the respective electoral board on the upper margin of the printed side.

ART. 72. There shall not be rejected any ballot which has any blot which may show to be the result of accident, nor because of any difficulty which may have been met in the preparation thereof, provided it can be determined with certainty, by means of an examination, in whose favor and for what office it has been intended to vote.

ART. 73. In all cases in which a ballot is rejected the board will write on the back of it the reason for which it was rejected.

Any electoral representative entertaining any doubt as to the contents of any ballot which has been read may examine same for himself in the presence of the board.

ART. 74. The scrutiny over, the president will inquire if there is any challenge against the act as performed, and in an affirmative case the board shall determine same, adding it to the documents of the college.

A list of the candidates who have been voted for shall be made in triplicate, in which there shall be stated by groups the offices voted for, and in letters the number of votes which may have been obtained, the members of the board certifying and signing each list. After being read in a loud voice one copy thereof shall be forwarded to the provincial board, another to the central board of scrutiny, through the governor of the province, and the other shall be immediately posted for public notice in the place where the list of electors may have been previously posted.

If upon carrying out the scrutiny there should result culpability on the part of any elector, the board shall communicate the fact to the judge of instruction of the judicial district, in order that he may adjudge the consequent responsibility.

ART. 75. The electoral boards shall forward to the corresponding provincial board, in separate packages, properly closed and sealed, the valid ballots, those rejected, the challenges and the oaths or affirmations, as well as the documents of the elections, the contents thereof being set forth on the cover of each package, which will be signed by the members of the board, taking care that the writing and signatures cross the seal, and stating the quantity in letters.

When the papers are sent by mail the postmaster shall give a receipt showing the day and hour on which the packages or envelopes were delivered. When the consignee resides in the same locality a member of the board shall deliver the papers, under receipt, in which the day and hour of delivery shall be stated.

ART. 76. On the date following that set for elections each provincial board shall proceed to make the general scrutiny, rectifying the errors in addition which may appear in the partial scrutinies. It shall examine the challenges and all the electoral documents to ascertain whether the legal formalities have been complied with, forming from the packages of ballots a total which should be equal to the number of ballots sent out by the provincial board at the proper time.

The general scrutiny having been made, it shall proclaim the candidates who may have received the greatest number of votes for each office, notifying the civil governor of the province thereof for publication in the corresponding official newspaper and communicating the same to the central board of scrutiny, to which all the documents shall be forwarded. The list of the voters of the district by electoral

sections shall be published with the least possible delay in the official newspaper.

ART. 77. The provincial boards shall issue to each one of the candidates proclaimed a certificate showing the office to which he has been elected and the number of votes he has received.

The work of the provincial boards having been terminated by the proclamation of the candidates elected, the presidents shall declare them dissolved, so informing the central board of scrutiny.

CHAPTER XIII.

ELECTION OF SENATORS.

ART. 78. Each province will elect two senatorial electors for each member of their respective provincial councils and each elector can vote for: In the province of Havana, 27; in the provinces of Santa Clara and Santiago de Cuba, 20 each; in that of Matanzas, 16; in that of Pinar del Río, 13; in that of Puerto Príncipe, 11.

ART. 79. On February 18th those who have been elected senatorial electors shall appear at the capital of their respective provinces, forming themselves, with the provincial members of the respective councils, into an electoral board to elect four senators.

ART. 80. After being provisionally constituted under the chairmanship of the president of the provincial council, the electors shall present their certificates of election, a committee on credentials being appointed, which within five days shall render its report on same.

ART. 81. At 12 o'clock noon February 24th, 1902, the board shall again be constituted, and the report of the committee on credentials having been approved, the electoral board, composed of five members, shall be constituted, which shall elect from among its members, by majority vote, a president and a secretary.

The electoral board having been organized, the election shall be proceeded with by balloting, each elector voting four names for Senator.

The election shall be held in conformity with the procedure laid down in Chapter XI of this law.

ART. 82. The voting being brought to a close and the scrutiny made, the four candidates will be declared elected who have obtained the highest number of votes.

The result will be communicated to the provincial board, accompanied by the documents. The provincial board, after the scrutiny has been made, shall proclaim the persons elected, notifying the governor of the Province for publication in the Official Bulletin, and communicating the fact to the central board of scrutiny, to which all the documents shall be forwarded.

CHAPTER XIV.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC.

ART. 83. Each Province shall elect a number of Presidential electors equal to the number of Senators and Representatives which it may have in Congress.

ART. 84. The Province or electoral district of Habana shall elect 21 Presidential electors; that of Santa Clara, 18; that of Santiago de

Cuba, 17; that of Matanzas, 12; that of Pinar del Río, 11, and that of Puerto Príncipe, 8.

No elector shall vote for a greater number than the following: In the electoral district of Habana, 14; in that of Santa Clara, 12; in that of Santiago de Cuba, 12; in that of Matanzas, 8; in that of Pinar del Río, 7, and in that of Puerto Príncipe, 5.

ART. 85. The voting for Presidential electors shall conform to the methods of procedure set forth in Chapter XI, in that which refers thereto.

ART. 86. On February 15th, 1902, the Presidential electors, provided with their certificates or corresponding minute of election, shall assemble at the capital of their respective Province, in the place which may be determined upon, and shall proceed to appoint a provisional board, composed of the elector of greatest age and the two juniors among those present.

The board having been formed, a committee on credentials shall be appointed, which shall render within five days following the appointment its report on the credentials presented.

On the day next following this term the electors shall meet, and the report of the committee on credentials having been discussed and approved, will proceed to the election of the definite board, composed of three members elected by ballot. The board having been formed, the session will end.

ART. 87. The electors who do not present their certificates within the time specified shall be notified by the president of the board that the election of President and Vice-President will take place on the day fixed with the number who may be present, for which purpose he shall urge their presence and the presentation of their certificates.

ART. 88. At 12 o'clock noon of the 24th day of February, 1902, those Presidential electors who have been chosen shall constitute in each Province an electoral assembly for the election of the President and Vice-President of the Republic, proceeding to the election of two persons having the qualifications specified in paragraph (*f*) of Article 2 of the present Law.

ART. 89. The election will be by means of a ballot, voting first for President and afterwards for Vice-President, clearly stating on each ballot the name and surname of the person selected for each of the said offices.

The voting over, the scrutiny shall be proceeded with at once, in separate lists, in duplicate, which shall be certified to, all the electors present signing.

ART. 90. A minute of the result of the election, together with the original documents of the Presidential election, shall be forwarded by the President of each provincial electoral assembly in a closed envelope, sealed and waxed, to the central board of scrutiny for transmission to the military governor, who, at the proper time, will remit same to the Congress.

A certified copy of the foregoing minute, with all the other documents relative to the election, shall be delivered under receipt to the president of the provincial council, for preservation in the archives of the Province and for publication in the official newspaper.

If the provincial council should not yet have been organized, the president of the ayuntamiento of the capital of the Province shall

take charge of said certified copy and electoral documents, to deliver them to the president of the provincial council as soon as he may be discharging the duties of his office.

CHAPTER XV.

ORGANIZATION OF CONGRESS.

ART. 91. Within the five days preceding the date which may be appointed for the assembling of Congress, the Senators and Representatives will present their certificates to the central board of scrutiny for transmission to the Military Governor, who will forward them to the proper branch of Congress when assembed.

ART. 92. Each House of Congress shall examine and judge as to the legality and validity of the election of its respective members, in conformity with the procedure laid down in its regulations, and will admit as Senators and Representatives those who may be legally elected, proclaiming them if they have the necessary qualifications and if they are not included in the incompatibilities mentioned in this law.

ART. 93. In case of a tie vote, if but one of the candidates tied should have the necessary legal qualifications for Senator or Representative, he shall at once be proclaimed and admitted, after the election has been approved.

The person who is legally elected, in case there should be in the minutes justified challenges against the election of the others of the candidates tied, shall also be admitted at once and proclaimed by the respective House.

ART. 94. The Senators and Representatives proclaimed by the provincial boards in the general elections must present their respective credentials within the thirty days next following the assembling of each House of Congress.

For those proclaimed in a partial election the term shall be counted from the date of their proclamation.

The person who does not file his credentials within the term specified in this article shall be understood to have tendered his resignation.

ART. 95. If the same person should be elected from two or more districts at once, he shall choose one of them.

In default of an expressed choice, the respective House will decide by lot the district which he shall represent, and the others shall be declared vacant.

ART. 96. The electors and the candidates who may have figured in an election may appeal to the respective House at any time whatsoever before the approval of the respective minute, filing the claims they may deem proper against the validity or result of the same election, or against the legal capacity of the Senator or Representative proclaimed, before he has been admitted.

ART. 97. After an election has been approved and the Senator or Representative elected therein admitted, no claims whatever shall be entertained, nor shall the matter again be considered.

ART. 98. The provisions of this chapter referring to the House of Representatives and to the Representatives themselves are applicable, in so far as same are concerned, to the Senate and the Senators, as well as to the provincial councils and their members.

CHAPTER XVI.

OFFENSES AND TRANSGRESSIONS.

ART. 99. Falsifications committed in documents referring to the provisions of this law, in whatever manner the penal code may determine falsifications in public documents, constitute the crime of falsification in electoral matters, which crime shall be punished, as well as any intentional omission in said documents which may affect the result of the election, with the punishment set forth in the mentioned code.

ART. 100. For the purposes of this law, official documents are the registers of electors, the minutes, the ballots, the certificates, and all other documents which may tend to show the exercise of the electoral franchise or its results or guarantee the regularity of the procedure.

ART. 101. All acts, omissions, or manifestations contrary to the provisions of this law or of those that may be issued for its execution, which may have for an object the restraining or exercising of undue influence over the electors, to make them use their right or to abandon it against their will, constitute the crime of electoral coercion, which shall be punished with the penalty provided for in the code for the crime of coercion.

ART. 102. Although the intention of restraining or exercising undue influence over the electors may not appear, the crime of electoral coercion may be committed as follows:

1st. The authorities or public officials of any kind who, within the territory of their jurisdiction, personally or by means of their official agents, request the electors to cast or refuse their votes to a specified person.

2nd. Public officials who, from the notice of election until same has been completed, shall institute or act upon gubernative proceedings or complaints, fines or accounts in arrears.

3rd. The same officials who, in the period mentioned in the preceding case, make appointments, dismissals, transfers, or suspensions of employees of any branch of the administration, if such acts are not based upon legitimate grounds.

4th. Public officials who may compel an elector to leave his residence or remain absent therefrom, even if it be on public service, on the day of the election, or those who may detain him, depriving him of his liberty to perform an electoral act.

5th. Those who may impede the free entrance or exit of electors at a place in which they are to exercise their right, in the cases determined by this law, or who prevent the stay of the notaries or representatives of the candidates in the same places, so as to prevent them from exercising their office or right and authenticating the regularity of said acts.

6th. Public officials who do not deliver or who unduly delay the delivery of documents which they are obliged to dispatch.

ART. 103. All noncompliance with the obligations and formalities which this law imposes on all persons who may intervene in an official character in same, if they do not constitute a crime, shall be considered as an infraction or electoral violation, punishable with arrest of from ten days to two months or fine of from ten to two hundred and fifty dollars, or subsidiary imprisonment which shall not exceed two months.

ART. 104. For the purposes of this law, public officials shall be considered as those appointed by the Government, and those who, due to their offices, may participate in any electoral act or one relating to the same.

ART. 105. The audiencias shall take cognizance of all electoral crimes and offenses, taking proper action thereon in accordance with the usual method of procedure.

For the purposes of this chapter, electoral crimes shall be considered as, besides those specially provided for in this law, the ones mentioned as such in the penal code.

ART. 106. Whenever a crime shall be committed in a place occupied by a board of election, the President shall order the arrest of the supposed guilty parties, placing them at the disposal of the judicial authorities.

The penal action arising from electoral crimes and offenses is public, and may be exercised within six months after the election in which the crime or offense may have been committed has been terminated.

ADDITIONAL DISPOSITIONS.

I. Those persons comprised in numbers 2 and 3 of Article V, in numbers 1 and 2 of Article VI, and in number 2 of the transitory dispositions of the Constitution, in order to register as electors, must first appear before the person in charge of the civil registry of their residence and make declarations of choice and renunciation of nationality, in conformity with the law of said registry and the transitory dispositions of the Constitution.

II. Those comprised in paragraph 4 of Article VI of the Constitution, before inscribing themselves as electors, must prove that they are inscribed as Cubans in the civil register of their residence.

Those are exempted who prior to this law may exhibit in the electoral registry the certificate issued by the Secretary of State and Government, in which is set forth their condition as Cubans.

III. In the act of registering in the civil registry, the interested parties should show with documentary proof of two sworn witnesses that they fill the requisites which, according to the aforementioned articles of the Constitution, give them the right to Cuban citizenship. Those comprised in number 2 of Article VI of the Constitution, should they be Spaniards, must also prove with the corresponding certificate that they are not inscribed in the register of Spaniards established in accordance with Article IX of the Treaty of Paris. Similar certificates should be presented by those comprised in number 4 of the same article of the Constitution when registering as Cubans.

IV. The inscriptions of nationality shall be made in the books of the civil registry with the formalities and requisites demanded by Article 6 of the law of civil registry of June 17th, 1870, and 77 of the rules and regulations issued for its execution; but if it should not be possible to present the certificates referred to in Article 74 of the rules and regulations, the archives in which said certificates are filed should be mentioned, and the approximate date, certified by two witnesses of responsibility.

V. Those individuals comprised in the first disposition who may be abroad may make the prescribed declarations, appearing through an

agent with special power of attorney duly authenticated before the person in charge of the civil registry of his last residence or of that where he intends to make his future residence.

DISPOSITIONS CITED IN PARAGRAPH I OF THE ADDITIONAL DISPOSITIONS.

CONSTITUTION OF THE REPUBLIC OF CUBA.

ART. 5. Native-born Cubans are:

2nd. Those born within the territory of the Republic of foreign parents, provided that on becoming of age they claim the right of inscription as Cubans in the proper register.

3rd. Those born in foreign countries of native-born parents who have forfeited their Cuban nationality, provided that, on becoming of age, they claim inscription as Cubans in the same register.

ART. 6. Naturalized Cubans are:

1st. Foreigners who, having served in the liberating army, may claim Cuban nationality within six months following the promulgation of this Constitution.

2nd. Foreigners established in Cuba prior to January first, 1899, who may have retained their residence after said date, provided they claim Cuban nationality within the six months next following the promulgation of this Constitution, or if minors, within a like period after they shall have attained their majority.

4th. Spaniards residing in the territory of Cuba on the 11th day of April, 1899, who may not have been registered as such in the proper registers prior to the same month and day of 1900.

TRANSITORY RULES.

Second. Persons born in Cuba, or children of native-born Cubans, who, at the time of the promulgation of this Constitution, may be citizens of any foreign nation, shall not enjoy the rights of Cuban nationality without first and expressly renouncing their said foreign citizenship.

(DISPOSITIONS CITED IN PARAGRAPH IV OF THE ADDITIONAL DISPOSITIONS.)

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LAW OF THE CIVIL REGISTRY, OF JUNE 17TH, 1870.

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ART. 6. In all the entries made in the civil registry the following shall be mentioned:

1st. Date of the entry.

2nd. The names and surnames of the officials who authorize said entries.

3rd. The names, surnames, and descriptions of the interested parties and witnesses associated in the act.

No entry whatever shall be made excepting those comprising the transcription of documents, unless in addition to the person making

the declaration two witnesses of age appear who can swear to the truth of the facts to be stated.

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RULES AND REGULATIONS FOR THE EXECUTION OF THE LAW OF CIVIL REGISTRY.

* * * * * * *

ART. 74. In all cases in which the inscription in the civil registry of an act by virtue of which the Spanish nationality is acquired, recovered, or lost, the birth certificate of the interested party should be presented, also his marriage certificate, if he should be married, and those of the birth of his wife and children.

* * * * * * *

ART. 77. In all the inscriptions of the registry referred to in the preceding articles the following circumstances, mentioned in Article VI of the law, shall also be stated, if possible:

1st. The last residence of the interested party.

2nd. His name and surname, place of birth, residence and profession or trade of his parents, if same can be stated.

3rd. The name and surname and birthplace of his wife, should he be married.

4th. The names and surnames, birthplace, residence, profession or trade of his wife's parents, should he be able to state same.

5th. The names, age, birthplace, residence, and profession or trade of his children, stating whether any of the children support themselves.

Whenever any of the foregoing questions can not be answered, the reasons therefor will be stated.

* * * * * * *

APPENDIX TO THE ELECTORAL LAW.

For the purposes of this law, a number of residents equal to ten times the number of councilmen of the respective ayuntamientos shall be considered as "largest taxpayers," and who appear as the heaviest taxpayers in the lists of the ayuntamientos.

Fifteen days after the promulgation of this law, the ayuntamientos shall publicly post a list containing the names of those paying the largest amount of taxes and of the residents who know how to read and write.

The lists thus prepared shall be exposed publicly for ten consecutive days, during which the claims for exclusion and inclusion may be presented at the ayuntamiento by the residents of the municipality, which claims must be decided within the following five days.

Those who are not in conformity with the resolutions of the ayuntamiento may take an appeal before the audiencia of the province within five days following that of the notification.

The audiencia, without further action than the report of a "ponente," shall decide within a period of time not to exceed eight days.

After the audiencia has rendered a decision in connection with the appeal, same shall be returned to the ayuntamiento, with all the documents of the case, in order that it may publish within the three days

following its receipt the final lists, taking into consideration in preparing said lists the decisions rendered in connection with the claims.

The provincial boards shall publish the general lists of the electors of the province.

FORM A.

Electoral district of.....

Section of..... College No. .....

In conformity with the provisions of Article XIX of the electoral law, Mr. .... is hereby informed that in the election held yesterday to select the persons who are to constitute the board of registry of this electoral college, the aforementioned gentleman was elected by ..... votes for the office of ..... on the aforementioned board.

And in order that, according to the provisions of Article XIX of the law in question, the board of registry may be duly constituted by eight o'clock to-morrow morning, he is hereby informed of the fact this date.

....., 1901.

....., *President of the Provincial Board.*

.....,
....., } *Secretaries.*

FORM B.

Electoral district of.....

Section of..... College No.....

In the elections for Senatorial electors which were held in the Electoral College, the following-mentioned electors voted:

Names.	Names.	Names.	Names.	Names.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We certify that the present list contains the exact names of..... electors of this college, who have voted in the aforementioned election.

Date....., 1901.

.....
Member of the Electoral Board.

.....
Member of the Electoral Board.

.....
President of the Electoral Board.

FORM No. 1.

Electoral district of.....

Section of..... College No.....

CERTIFICATE.

In....., on the.... day of....., 1901, the admission of voters to elect the board of registry of this Electoral College being ended at five o'clock p. m. on the receipt of the last vote, the scrutiny of same, as provided in Article XIII of the electoral law, was commenced.

The ballots being examined, there were found:

Votes in excess.....

With unintelligible writing.....

Folded together.....

All of which were annulled by the board and attached to the record of proceedings, in accordance with Article XV.

The ballots being recounted and the count verified and the votes placed to the credit of the candidates, the result was as follows: Mr....., ...votes; Mr....., ...votes; Mr. ....., ...votes; Mr....., ...votes; Mr. ....., ...votes; Mr....., ...votes; the first three having been designated as members and the other three as alternates.

At the conclusion of the counting, the president ordered that the recapitulation should be read in a loud voice, which was done, in compliance with Article XVII of the law, and he proclaimed as members of the board of registry the first three, and as alternates the remaining three aforementioned individuals, who obtained the greatest number of votes.

Everything having been executed in conformity with the law, the scrutiny was terminated and the election concluded, the president ordering that the interested parties be informed for the purposes of Article XXI.

All of which we certify to.

.....

President.

.....

Secretary.

..... - .....

Secretary.

Form No. 2.

ELECTORAL REGISTRY.

Electoral registry of ..... *Section of* ..... *College No.* .....

Form No. ..... of the persons registered as electors.

(Then follows a form giving name and surname of the elector, his birthplace, age, profession, condition, residence, whether he knows how to read and write, the taxes he pays, the date on which he was refused, and the cause of his being so rejected.)

We certify that the persons who appear as registered in the present form have ..... to tell the truth in their declarations, and that in conformity with these and in the presence of each of the interested parties the corresponding inscriptions have been made.

....., 1901.

.....,
President of the Board of Inscription.

.....,
Member of the Board of Inscription.

.....,
Member of the Board of Inscription.

Form No. 3.

Electoral district of .....

Section of ..... College No. .....

Certificate of inscription No. ....., issued in favor of Mr. ....., native of ....., ... years of age, profession ....., married or single ....., residing in number ....., street....., at .....

Date, ..., 1901.

.....,
President.

.....
.....
} *Members.*

[CERTIFICATE OF INSCRIPTION.]

Electoral district of .....

Section of ..... College No. .....

We certify that in Form No. ..... of the electoral registry of this college, Mr. ....., native of ....., of ..... years of age, profession ....., married or single ....., residing in No. ..... street, in ....., appears as a registered voter under No. .....

And in compliance with article 26 of the electoral law, the present certificate is issued.

....., 1901.

.....,
President of the Board of Inscription.

.....,
Member of the Board of Inscription.

.....,
Member of the Board of Inscription.

FORM NO. 4.

Electoral district of .....

Section of ..... College No. .....

The undersigned, a registered voter in this college, solemnly ..... before the electoral board of the same, that Mr. ..... is unqualified to exercise the right to vote .....

Therefore he enters his protest, in the presence of two electors, who with him sign the present as witnesses of his declaration.

Date, ..., 1901.

Signed: .....

Witness: .....,
Registered voter.

Witness: .....,
Registered voter.

We further testify that at the request of Mr. ....., who said he did not know how to sign, Mr. ..... did so.

Fecha ut supra.

Witness: .....
Witness: .....

Declared and attested before us:

.....,
President of the Electoral Board.

.....,
Member of the Electoral Board.

.....,
Member of the Electoral Board.

FORM No. 5.

Electoral district of .....

Section of ..... College No. .....

Against the declaration which in his protest has been made by Mr. ....., the undersigned solemnly ..... that he is qualified to exercise the right to vote; and he so affirms before this electoral board, in the presence of two electors, who sign the present with him, as witness of his assertion.

Date, ..., 1901.

Signed: .....

Witness: .....,

Registered voter.

Witness: .....,

Registered voter.

We further testify that at the request of Mr. ....., who said he did not know how to sign, Mr. ..... did so.

Fecha ut supra.

Declared and attested before us:

.....,

President of the Electoral Board.

.....,

Member of the Electoral Board.

.....,

Member of the Electoral Board.

IV. Paragraph II of the additional dispositions, reading as follows:

II. Those comprised in Paragraph IV of article 6 of the Constitution, before inscribing themselves as electors, must prove that they are inscribed as Cubans in the civil register of their residence. Those are exempted who, prior to this law, may exhibit in the electoral registry the certificate issued by the Secretary of State and Government, in which is set forth their condition as Cubans—

and the concluding sentence of Paragraph III of the same, which reads as follows:

Similar certificates should be presented by those comprised in number IV of the same article of the Constitution, when registered as Cubans—

are hereby eliminated from said additional dispositions, inasmuch as they are found, after careful examination, to discriminate against Cubans who became such under Article IX of the treaty of Paris.

Nothing in paragraph 102 of the electoral law shall be construed as limiting the military government of Cuba in any way in issuing such instructions and orders as may be necessary for the proper conduct of public business of the island, for the protection of public interests, and for the maintenance of public order.

V. The central board of scrutiny will receive and transmit to the military governor full and complete reports of all matters pertaining

to the elections, and will perform such special duties as may be intrusted to them by the military governor.

VI. Upon the receipt of full report of the elections, the military governor of Cuba will announce the dates for the assembling of Congress and for the proclamation of the President and Vice-President, and for the formal transfer of the government of the island to the government to be established.

VII. The travel enjoined in complying with the provisions of the electoral law being necessary for the public service, persons entitled to transportation will, upon presentation of their credentials to the administrators of fiscal zones or other representatives of the finance department, be furnished with the necessary transportation to and from their places of residence to enable them to perform the required journeys.

VIII. Properly executed vouchers for all expenses authorized in the foregoing electoral law will be forwarded to the central board of scrutiny for examination and transmission to the military governor for final disposition.

EDWARD CARPENTER,
1st Lieut., Artillery Corps, Acting Adjutant-General.

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